

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Plaintiff,)

v.)

ADP MARSHALL, INC., a FLUOR)
DANIEL COMPANY, and FIREMAN'S)
FUND INSURANCE COMPANY)
Defendants.)

ADP MARSHALL, INC.)
Plaintiff-in-Counterclaim,)

v.)

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Defendant-in-Counterclaim.)

ADP MARSHALL, INC.)
Third Party Plaintiff,)

v.)

ALLIED CONSULTING ENGINEERING)
SERVICES, INC., ANDOVER CONTROLS)
CORPORATION, R&R WINDOW)
CONTRACTORS, INC., DELTA)
KEYSPAN, INC. n/k/a DELTA)
KEYSPAN, LLC, MADDISON)
ASSOCIATES, INC., UNITED STATES)
FIDELITY AND GUARANTY)
COMPANY, FIDELITY AND DEPOSIT)
COMPANY OF MARYLAND,)
NATIONAL GRANGE MUTUAL,)
INSURANCE COMPANY, TRAVELERS)
CASUALTY AND SURETY COMPANY)
OF AMERICA, AMERICAN HOME)

C.A. No. 04 CV 10203 PBS

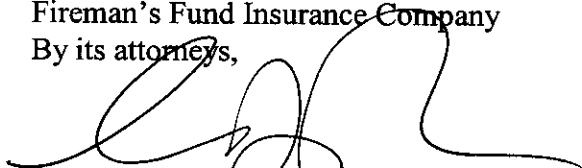
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U.S. DISTRICT COURT
DISTRICT OF MASS

ASSURANCE COMPANY,)
HARTFORD ROOFING COMPANY, INC.)
and SPAGNOLO/GISNESS &)
ASSOCIATES, INC.)
Third Party Defendants.)
_____)

NOTICE OF DISMISSAL AS TO THIRD PARTY DEFENDANTS
NATIONAL GRANGE MUTUAL INSURANCE COMPANY AND FIDELITY
AND DEPOSIT COMPANY OF MARYLAND

Notice is hereby provided, pursuant to F.R.C.P. 41(a)(1)(i), that the claims of third party plaintiff, ADP Marshall, Inc., against third party defendants, National Grange Mutual Insurance Company and Fidelity and Deposit Company of Maryland, are dismissed without prejudice and without costs to any party against the other.

Respectfully submitted,
ADP Marshall, Inc. and
Fireman's Fund Insurance Company
By its attorneys,



Andrew J. Tine (BBO#633639)
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02110
(617) 428-0266

CERTIFICATION OF SERVICE

I, Andrew J. Tine, hereby certify that I served a true and correct copy of the foregoing upon Edward Vena, Esq., John McNamara, Esq., Warren Hutchison, Esq., Eric Loeffler, Esq., John Bruno, Esq., Allen Whitestone, Esq., Anthony Cipriani, Esq., Robert Pierce, Esq. and William O'Gara, by U.S. Mail this 26th day of October, 2004.



Andrew J. Tine